

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**FILED
CLERKS OFFICE
JUN 11 2004
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DOCKET NO. 04-10781DPW**

RANDY L. HANCOCK,
Plaintiff,

v.

PRINCETON PROPERTIES MANAGEMENT, INC.,
d/b/a PRINCETON PROPERTIES APARTMENTS, and
CHRISTIAN H. GARGUREVICH,
Defendants

ANSWER TO COMPLAINT

I. NATURE OF CASE

1. The defendant admits the allegations in paragraph 1 of the Plaintiff's Complaint.

I. PARTIES

2. The defendant is without knowledge of the allegations contained in paragraph 2 of the Plaintiff's Complaint and, therefore, denies them and calls on the plaintiff to prove same.
3. The defendant admits the allegations in paragraph 3 of the Plaintiff's Complaint.
4. The defendant is without knowledge of the allegations contained in paragraph 4 of the Plaintiff's Complaint and, therefore, denies them and calls on the plaintiff to prove same.

II. JURISDICTION & VENUE

5. The defendant is without knowledge of the allegations contained in paragraph 5 of the Plaintiff's Complaint and, therefore, denies them and calls on the plaintiff to prove same.
6. The defendant is without knowledge of the allegations contained in paragraph 6 of the Plaintiff's Complaint and, therefore, denies them and calls on the plaintiff to prove same.
7. The defendant admits the allegations in paragraph 7 of the Plaintiff's Complaint.
8. The defendant admits the allegations in paragraph 8 of the Plaintiff's Complaint.

9. The defendant admits the allegations in paragraph 9 of the Plaintiff's Complaint.

III. FACTUAL ALLEGATIONS

10. The defendant denies the allegations in paragraph 10 of the Plaintiff's Complaint.
11. The defendant denies the allegations in paragraph 11 of the Plaintiff's Complaint.
12. The defendant denies the allegations in paragraph 12 of the Plaintiff's Complaint.
13. The defendant denies the allegations in paragraph 13 of the Plaintiff's Complaint.
14. The defendant denies the allegations in paragraph 14 of the Plaintiff's Complaint.
15. The defendant denies the allegations in paragraph 15 of the Plaintiff's Complaint.
16. The defendant is without knowledge of the allegations contained in paragraph 16 of the Plaintiff's Complaint and, therefore, denies them and calls on the plaintiff to prove same.
17. The defendant denies the allegations in paragraph 17 of the Plaintiff's Complaint.
18. The defendant denies the allegations in paragraph 18 of the Plaintiff's Complaint.

IV. CLAIMS

A. COUNT I – NEGLIGENCE

19. The defendant restates and incorporates by reference herein its answers to paragraphs 1 through 18 as set forth herein.
20. The defendant admits the allegations in paragraph 20 of the Plaintiff's Complaint.
21. The defendant denies the allegations in paragraph 21 of the Plaintiff's Complaint.
22. The defendant denies the allegations in paragraph 22 of the Plaintiff's Complaint.
23. The defendant denies the allegations in paragraph 23 of the Plaintiff's Complaint.
24. The defendant denies the allegations in paragraph 24 of the Plaintiff's Complaint.

WHEREFORE, the defendant, Princeton Properties Management, Inc. d/b/a Princeton Properties Apartments, denies that the plaintiff, Randy Hancock, is entitled to judgment against

them and requests that the Court enter judgment in favor of the defendant and dismiss the Plaintiff's Complaint.

B. COUNT II – NEGLIGENCE

25. The defendant restates and incorporates by reference herein its answers to paragraphs 1 through 24 as set forth herein.
26. The defendant declines to answer paragraph 26 of the Plaintiff's Complaint as it does not pertain to this defendant.
27. The defendant declines to answer paragraph 27 of the Plaintiff's Complaint as it does not pertain to this defendant.
28. The defendant declines to answer paragraph 28 of the Plaintiff's Complaint as it does not pertain to this defendant.
29. The defendant declines to answer paragraph 29 of the Plaintiff's Complaint as it does not pertain to this defendant.
30. The defendant declines to answer paragraph 30 of the Plaintiff's Complaint as it does not pertain to this defendant.
31. The defendant declines to answer paragraph 31 of the Plaintiff's Complaint as it does not pertain to this defendant.

WHEREFORE, the defendant, Princeton Properties Management, Inc. d/b/a Princeton Properties Apartments, denies that the plaintiff, Randy Hancock, is entitled to judgment against them and requests that the Court enter judgment in favor of the defendant and dismiss the Plaintiff's Complaint.

C. COUNT III – NEGLIGENCE

32. The defendant restates and incorporates by reference herein its answers to paragraphs 1 through 31 as set forth herein.
33. The defendant admits the allegations in paragraph 33 of the Plaintiff's Complaint.
34. The defendant denies the allegations in paragraph 34 of the Plaintiff's Complaint.
35. The defendant denies the allegations in paragraph 35 of the Plaintiff's Complaint.
36. The defendant denies the allegations in paragraph 36 of the Plaintiff's Complaint.

37. The defendant denies the allegations in paragraph 37 of the Plaintiff's Complaint.

WHEREFORE, the defendant, Princeton Properties Management, Inc. d/b/a Princeton Properties Apartments, denies that the plaintiff, Randy Hancock, is entitled to judgment against them and requests that the Court enter judgment in favor of the defendant and dismiss the Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The defendant says that the injuries and damages alleged were caused in whole or in part by the plaintiff's negligence which was greater than any negligence of the defendant.

SECOND AFFIRMATIVE DEFENSE

The injuries and damages alleged by the plaintiff were caused by the conduct of a third person for whose conduct the defendant is not responsible.

THIRD AFFIRMATIVE DEFENSE

The cause of action asserted in the Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief may be granted.

CROSSCLAIM

**PRINCETON PROPERTIES MANAGEMENT, INC.
d/b/a PRINCETON PROPERTIES APARTMENTS**


v.

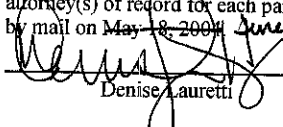
CHRISTIAN H. GARGUREVICH

1. The defendant, Princeton Properties Management, Inc. d/b/a Princeton Properties Apartments, in the above action hereby asserts the following claim, as a Crossclaim against the co-defendant, Christian H. Gargurevich.
2. The defendant alleges that if the plaintiff recovers judgment against the defendant on the claim asserted in the above-action, that the defendant is entitled to form indemnification from the co-defendant, Christian H. Gargurevich.

3. The defendant further alleges that if the plaintiff recovers judgment against the defendant on the claim asserted in the above-action, that the defendant is entitled to contribution pursuant to M.G.L. c. 231B, §1 from the co-defendant, Christian H. Gargurevich.

Respectfully submitted,
The Defendant,
Princeton Properties Management, Inc.,
By its Attorney,


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<p>CERTIFICATE OF SERVICE</p> <p>I hereby certify that a true copy of the above document was served upon the attorney(s) of record for each party by mail on May 18, 2004. <i>Denise Lauretti</i></p> <p> Denise Lauretti</p>
